

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CR-175-D
No. 5:15-CV-567-D

LARRY CURRIE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

On October 26, 2015, Larry Currie filed a motion to vacate, set aside, and correct his 180-month sentence. See [D.E. 37]. On April 21, 2016, the government responded and acknowledged that Currie no longer has three predicate convictions to support his 180-month sentence. See [D.E. 46].

Currie's motion [D.E. 37] is GRANTED, and his sentence is VACATED. As part of Currie's resentencing, the Probation Office will prepare a new Presentence Investigation Report ("PSR"). The resentencing will be scheduled after the Probation Office completes the new PSR. The new PSR shall include appropriate notice under Rule 32(h) of a possible upward departure under U.S.S.G. § 4A1.3. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3.

SO ORDERED. This 8 day of June 2016.


JAMES C. DEVER III
Chief United States District Judge